

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY DAVID THOMAS,

Plaintiff,

Case No. 2:24-cv-10250

v.

Honorable Susan K. DeClercq
United States District Judge

RICHARD LEE ROBINSON et al.,

Defendants.

**ORDER PROHIBITING REILING OF CASE AND DENYING LEAVE TO
APPEAL *IN FORMA PAUPERIS***

On June 27, 2024, Plaintiff Thomas’s complaint in the above-captioned case was dismissed under 28 U.S.C. § 1915(a) and (b) for failure “to pay the \$405 filing fee and to apply in the manner required by law to proceed without prepayment.” ECF No. 62 at PageID.278 (citing ECF No. 26 at PageID.151).

“If the case is dismissed under these circumstances, it is not to be reinstated to the district court’s active docket”—even if the plaintiff attempts to pay the filing fees. *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997) (dismissing case under 28 U.S.C. § 1915(a)), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199, 203 (2007); *Boussum v. Washington*, 655 F. Supp. 3d 636, 642 (E.D. Mich. 2023) (holding that *McGore* applies to cases dismissed under 28 U.S.C. § 1915(b)); *see also Baxter v. Rose*, 305 F.3d 486, 489 (6th Cir. 2002) (same “where the district

court dismisses cases *sua sponte* under 28 U.S.C. § 1915A”), *abrogated on other grounds by Jones*, 549 U.S. 199; *Redd v. Redmon*, 215 F.3d 1327 (6th Cir. 2000) (same for cases dismissed “under § 1915(e)(2)(A)”).

Moreover, Thomas may not appeal *in forma pauperis*, because an appeal from the dismissal order would be frivolous and not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

Accordingly, it is **ORDERED** that Plaintiff Anthony Thomas’s Complaint, ECF No. 1, is **PROHIBITED** from being reinstated to the district court’s active docket—even if Plaintiff Thomas pays the filing fees.

Further, it is **ORDERED** that Plaintiff Thomas is **DENIED** leave to appeal *in forma pauperis*.

Further, it is **ORDERED** that the Clerk of the Court is **DIRECTED** to send a copy of this Order to the Sixth Circuit Court of Appeals regarding Case No. 24-1266.

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: July 3, 2024